

REMARKS

Claims 1-7 have been canceled. Claims 8-12 have been newly added. No new matter has been included. Claims 8-12 are now pending in the present application.

Claims 1-3 and 7 stand rejected under 35 U.S.C. § 101 based on the claimed invention not being supported by a specific utility. Claims 1-3 and 7 additionally stand rejected under 35 U.S.C. § 112, first paragraph based on similar reasons. Claims 1-4 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Shishido et al. (U.S. Publication No. 2003-0015660) ("Shishido"). Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shishido. The rejections are respectfully traversed. Please note that claims 1-7 have been canceled and thus, these rejections are now moot.

Newly added claims 8-12 relate to a specific utility, i.e., an apparatus and method, relating to a scanning electron microscope with a measurement function and a measurement method, which is described in the specification and reflected by the drawings. Thus, Applicants respectfully submit that the claims are in compliance with §§ 101 and 112.

In regards to the cited reference, Shishido, the claimed invention has an advantage based on its ability to employ the second edge position detecting method and measuring method without having to conduct a secondary image forming and line profile creating process. The claimed invention, thus, reduces the complexity and burden of the operation process.

On the other hand, although Shishido may imply that its system can employ one of many known edge position detecting methods, Shishido fails to disclose, teach or suggest an edge position detecting process and a measuring process which are

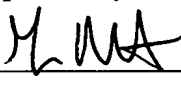
implemented and then, based on those detection and measurement processes, implements another edge position detecting process and another measuring process without further conducting another image forming and line profile creating process.

Accordingly, Applicants respectfully submit that Shishido does not disclose, teach or suggest all limitations of claims 8-12 and thus, the claims should be allowed.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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